

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division**

**CHESAPEAKE BANK,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO.: 4:14cv66**

**STUART D. BERGER,**

**et al,**

**Defendants.**

**CONSENTED MOTION FOR LEAVE TO WITHDRAW  
AS COUNSEL FOR DEFENDANTS**

Undersigned counsel for Defendants Stuart D. Berger, Deborah D. Berger and The Law Offices of Stuart Berger, PLLC, as well as the remaining Defendants as to which this action has been stayed by the Court's Order entered February 25, 2015, respectfully moves for leave to withdraw as counsel of record in this action, and states the following in support of said motion:

1. The above Defendants as to which this litigation continues are and have for some time been unable to pay attorneys' fees, as all assets of said Defendants are under the control of the Court's Receiver.

2. Pursuant to Rule 1.16(b)(4) of the Virginia Rules of Professional Conduct, a lawyer may withdraw from representing a client if the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable notice that the lawyer will withdraw unless the obligation is fulfilled. As set forth in the attached Declaration of undersigned counsel, those conditions obtain here.

3. The aforesaid Defendants, as well as the Plaintiff and the Court's Receiver, by their respective counsel, have all consented to this motion as indicated by their agreed

endorsements on the attached proposed Order (the original of which will be delivered to the Clerk's Office before close of business on June 10, 2015).

Accordingly, undersigned counsel respectfully requests that the Court grant this motion and enter the proposed Order with the consent of all parties.

STUART D. BERGER,  
DEBORAH D. BERGER,  
THE LAW OFFICES OF STUART BERGER,  
PLLC.

By: /s/Thomas S. Carnes  
Counsel for Defendants

Thomas S. Carnes, Esquire  
VSB No.: 17822  
ROY, LARSEN, CARNES & ROMM, P.C.  
109-A Wimbledon Square  
Chesapeake, VA, 23320-4932  
Telephone: 757-547-5101  
Telefax: 757-547-9358  
[tscarnes@rlcrlaw.com](mailto:tscarnes@rlcrlaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on the 10<sup>th</sup> day of June, 2015, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to:

Michael D. Mueller, Esquire  
VSB No.: 38216  
Christian & Barton, LLP  
909 East Main Street, Suite 1200  
Richmond, VA 23219-3095  
Telephone: (804) 697-4100  
Facsimile: (804) 697-6112  
Email: [mmueller@cblaw.com](mailto:mmueller@cblaw.com)

Augustus Charles Epps, Jr., Esquire  
VSB No.: 13254  
Christian & Barton, LLP  
909 East Main Street, Suite 1200  
Richmond, VA 23219-3095  
Telephone: (804) 697-4100  
Facsimile: (804) 697-6112  
Email: [aepps@cblaw.com](mailto:aepps@cblaw.com)

Belinda Duke Jones, Esquire  
VSB No.: 72169  
Christian & Barton, LLP  
909 East Main Street, Suite 1200  
Richmond, VA 23219-3095  
Telephone: (804) 697-4159  
Facsimile: (804) 697-6159  
Email: [bjones@cblaw.com](mailto:bjones@cblaw.com)

Harrison Mann Gates, Esquire  
VSB No.: 80385  
Christian & Barton, LLP  
909 East Main Street, Suite 1200  
Richmond, VA 23219-3095  
Telephone: (804) 697-4105  
Facsimile: (804) 697-6105  
Email: [hgates@cblaw.com](mailto:hgates@cblaw.com)

Rowland Braxton Hill, IV, Esquire  
VSB No.: 41539  
Christian & Barton, LLP  
909 East Main Street, Suite 1200  
Richmond, VA 23219-3095  
Telephone: (804) 697-4108  
Facsimile: (804) 697-6108  
Email: [bhill@cblaw.com](mailto:bhill@cblaw.com)

Jeffrey H. Gray, Esquire  
VSB No.: 22304  
Troutman Sanders, LLP  
222 Central Park Avenue, Suite 2000  
Virginia Beach, VA 23462  
Phone: (757) 687-7500  
Facsimile: (757) 687-1554  
Email: [Jeffrey.gray@troutmansanders.com](mailto:Jeffrey.gray@troutmansanders.com)

/s/ Thomas S. Carnes

Thomas S. Carnes

VSF No.: 17822

ROY, LARSEN, CARNES & ROMM, P.C.

109-A Wimbledon Square

Chesapeake, VA, 23320-4932

Telephone: 757-547-5101

Telefax: 757-547-9358

[tscarnes@rlcrlaw.com](mailto:tscarnes@rlcrlaw.com)